



Practitioner's Docket No. 50781 (70329)

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PATENT

TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: E. Alling
Application No.: 10/008,665
Filed: November 3, 2001
For: ELECTROCHEMICAL CO-DEPOSITION OF METALS FOR ELECTRONIC
DEVICE MANUFACTURE

Group No.: 1753
Examiner: B. Mutschler

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10
(When using *Express Mail*, the *Express Mail* label number is **mandatory**;
Express Mail certification is *optional*.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

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Signature

Peter F. Corless

(type or print name of person certifying)

(Request for Continued-Examination (RCE))--page 1 of 6

WARNING: 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and *not* examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

WARNING: A continued examination request *cannot* be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).

NOTE: There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

NOTE: Unlike a continuation application, a continued examination request *can* utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of issue fee
 - ☐ Issue fee has been paid but a petition under Section 1.313 has been filed herewith
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

NOTE: If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

WARNING: If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Section 1.111. 37 C.F.R. Section 1.114(b).

- ☒ An information disclosure (37 C.F.R. Section 1.98)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Response

- ☒ New arguments
- ☒ New evidence in support of patentability
- ☐ Other:

FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$385.00
- ☒ Other than a small entity \$770.00

Continued Prosecution Request Fee \$ 770.00

FEE FOR CLAIMS

NOTE: "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53(d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 C.F.R. 1.53(d)(3) : "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in Section 1.16; and

(ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment			Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Addit. Fee
Total	* Minus		**	=	x \$9 =	\$		x \$18 = \$
Indep.	* Minus		***	= 0	x \$39 =	\$		x \$84 = \$ 0
<input type="checkbox"/> First Presentation of Multiple Dependent Claim					+ \$130 =	\$		+ \$280 = \$ 0
					Total Addit. Fee	\$ _____	OR	Total Addit. Fee \$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.



Docket No. 51564

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: E. Alling et al.

SERIAL NO. 10/008,665

GROUP: 1753

FILED: November 3, 2001

EXAMINER: B. Mutschler

FOR: ELECTROCHEMICAL CO-DEPOSITION OF METALS FOR
ELECTRONIC DEVICE MANUFACTURE

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Alexandria, VA 22313-1450

AMENDMENT

Applicants file a Request for Continued Examination (RCE) herewith. Please amend the above-identified application as follows.

A listing of pending claims begins on page 2 of this paper.

Remarks begin on page 6 of this paper.